IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL ACTION NO. 1:14-CV-256

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)	<u>ORDER</u>
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On July 3, 2015, Magistrate Judge Keesler issued a memorandum and recommendation that claimant's case be remanded for new hearing and further consideration. (Doc. 16, at 15). The parties were advised of their right to object (*id.* at 16) and have not exercised said right within the time allotted.

The Federal Magistrates Act requires a district court to 'make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (quoting 28 U.S.C. § 636(b)(1)) (alteration in original) (emphasis removed). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* (quotation omitted).

The Court has reviewed the opinion and has not found clear error.

IT IS, THEREFORE, ORDERED THAT

- (1) The Memorandum and Recommendation (Doc. 16) is **ADOPTED**:
- (2) Both Motions for Summary Judgment (Docs. 9, 11) are **DENIED**; and

(3) The case is remanded for a new hearing and further consideration for the grounds stated in the memorandum and recommendation.

Signed: August 13, 2015

Richard L. Voorhees United States District Judge